

REMARKS

Reconsideration of the above-identified application, as amended, is respectfully requested.

Further to the Amendment submitted July 21, 2008, Applicants hereby submit a Declaration under 37 C.F.R. §1.131 (hereinafter “the §1.131 Declaration”), which was signed by inventor Stephen Koester and which establishes the actual reduction to practice of Applicant’s claimed invention (as recited by Claim 1) of the present application, from which claims 2-9 depend) in the United States, prior to the October 14, 2003 effective date of the Xiang patent.

The §1.131 Declaration removes the Xiang patent as prior art. Consequently, the §103(a) rejection raised by the Examiner against claims 1, 2 and 4-9 as being unpatentable over Xiang is therefore overcome, whether taken alone or, in combination with the asserted Noda et al. reference (U.S. Patent No. 6,432,802).

By removing the Xiang patent as prior art, Applicants respectfully request that the Examiner further withdraw the rejection of Claim 9 rejected under 35 U.S.C. §102(e) as allegedly anticipated by Xiang (whether taken alone or in combination with Noda).

The present Supplemental Amendment further seeks to correct two minor informalities with respect to the Amendment submitted July 21, 2008: 1) Claim 1 status was correctly indicated as “Previously Presented” and this Supplemental Amendment seeks to remedy the erroneous recitation of underlined phrase “along said interface” that was not removed from the Claim 1 amendment that was previously submitted in Applicant’s prior submission of December 26, 2007; and, 2) Claim 9, while being amended to change its dependency, further included an

underlined recitation "dopant comprises" that was not removed from the claim 9 amendment that was previously submitted in Applicants prior response of December 26, 2007, and this Supplemental Amendment seeks to remedy the erroneous recitation of underlined phrase in Claim 9.

Otherwise, the entire content and disclosure of applicants Remarks submitted in their prior response of July 21, 2008 is incorporated by reference herein.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance be issued. If the Examiner believes that a telephone conference with the Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned, Applicants' attorney, at the following telephone number: (516) 742-4343.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steve Fischman", with a long horizontal line extending to the right.

Steven Fischman
Registration No. 34,594

SCULLY, SCOTT, MURPHY & PRESSER, P.C.
400 Garden City Plaza, Suite 300
Garden City, New York 11530
(516) 742-4343

SF:gc